

## United States District Court

For the Northern District of California

## IN THE UNITED STATES DISTRICT COURT

## FOR THE NORTHERN DISTRICT OF CALIFORNIA

10 MIKE LABINS, on behalf of himself and all  
11 others similarly situated,

12 Plaintiff,

13 v.

14 CHARLES SCHWAB CORPORATION,  
15 CHARLES SCHWAB & CO. INC.,  
16 CHARLES SCHWAB INVESTMENT  
17 MANAGEMENT, INC., CHARLES R.  
18 SCHWAB, EVELYN DILSAVER,  
19 RANDALL W. MERK and GEORGE  
20 PEREIRA,

21 Defendants.

22 No. C 08-01510 WHA  
23 No. C 08-01733 WHA  
24 No. C 08-01936 WHA  
25 No. C 08-01994 WHA  
26 No. C 08-02058 WHA  
27 No. C 08-02487 WHA

28 **ORDER CONSOLIDATING  
ACTIONS AND REQUESTING  
INFORMATION FROM LEAD  
PLAINTIFF CANDIDATES**

29 GERRY HAGEMAN, on behalf of himself and  
30 all others similarly situated,

31 Plaintiff,

32 v.

33 CHARLES SCHWAB CORPORATION,  
34 CHARLES SCHWAB & CO. INC.,  
35 CHARLES SCHWAB INVESTMENT  
36 MANAGEMENT, INC., CHARLES R.  
37 SCHWAB, EVELYN DILSAVER,  
38 RANDALL W. MERK and GEORGE  
39 PEREIRA,

40 Defendants.

## United States District Court

For the Northern District of California

1 W. MERRILL GLASGOW, on behalf of  
2 himself and all others similarly situated,

3 Plaintiff,

4 v.

5 CHARLES SCHWAB CORPORATION,  
6 CHARLES SCHWAB & CO. INC.,  
7 CHARLES SCHWAB INVESTMENT  
8 MANAGEMENT, INC., CHARLES R.  
9 SCHWAB, EVELYN DILSAVER,  
10 RANDALL W. MERK and GEORGE  
11 PEREIRA,

12 Defendants.

13 /

14 NILS FLANZRAICH and JILL  
15 FLANZRAICH, on behalf of himself and all  
16 others similarly situated,

17 Plaintiff,

18 v.

19 CHARLES SCHWAB CORPORATION,  
20 CHARLES SCHWAB & CO. INC.,  
21 CHARLES SCHWAB INVESTMENT  
22 MANAGEMENT, INC., CHARLES R.  
23 SCHWAB, SCHWAB INVESTMENTS;  
24 SCHWAB YIELDPLUS FUND SELECT  
25 SHARES; EVELYN DILSAVER; RANDALL  
26 W. MERK, and GEORGE PEREIRA,

27 Defendants.

28 /

## United States District Court

For the Northern District of California

1 VINAYAK R. PAI DEFINED BENEFITS  
2 PENSION PLAN, on behalf of himself and all  
3 others similarly situated,

4 Plaintiff,

5 v.

6 CHARLES SCHWAB CORPORATION,  
7 CHARLES SCHWAB & CO. INC.,  
8 CHARLES SCHWAB INVESTMENT  
9 MANAGEMENT, INC., SCHWAB  
10 INVESTMENTS, CHARLES R. SCHWAB,  
11 EVELYN DILSAVER, RANDALL W.  
12 MERK, GREGORY HAND, GEORGE  
13 PEREIRA, DONALD F. DOWARD,  
14 MARIANN BYERWALTER, WILLIAM A.  
15 HASLER, ROBERT G. HOLMES, GERALD  
16 B. SMITH, DONALD R. STEPHENS,  
17 MICHAEL W. WILSEY, and JEFF LYONS,

18 Defendants.

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19 ROBERT LEVINS and KARL KYZER, on  
20 behalf of himself and all others similarly  
21 situated,

22 Plaintiffs,

23 v.

24 CHARLES SCHWAB CORPORATION,  
25 CHARLES SCHWAB & CO. INC.,  
26 CHARLES SCHWAB INVESTMENT  
27 MANAGEMENT, INC., CHARLES R.  
28 SCHWAB, EVELYN DILSAVER,  
RANDALL W. MERK, MARIANN  
BYERWALTER, DONALD F. DORWARD,  
WILLIAM A. HASLER, ROBERT G.  
HOLMES, GERALD B. SMITH, DONALD R.  
STEPHENS, and MICHAEL W. WILSEY,

Defendants.

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29  
30 Many parties have moved to consolidate the above-entitled related civil actions. No  
31 opposition having been received, this order hereby **CONSOLIDATES** the actions for all purposes,  
32 pursuant to FRCP 42(a). The caption of these consolidated cases shall be "*In re Charles*  
33 *Schwab Corp. Securities Litigation*," and the files of this action shall be maintained in one file

1 under Master File No. C 08-01510 WHA. Any other actions now pending or hereafter filed in  
2 this district which arise out of the same facts and claims as alleged in these related actions shall  
3 be consolidated for all purposes, if and when they are brought before this Court and the Court  
4 accepts the transfer and approves consolidation.

5 The motions to appoint lead plaintiff and lead counsel are currently set for Wednesday,  
6 July 2, 2008. As opposed to “group” candidates, the Court wishes to evaluate the qualifications  
7 of single investors, either institutional investors or individuals, to serve as lead plaintiff. *See In*  
8 *re Network Assocs., Inc., Sec. Litig.*, 76 F. Supp. 2d 1017, 1019–27 (N.D. Cal. 1999) (Alsup, J.).  
9 The Court is particularly interested in considering single investors with large losses and in  
10 evaluating their experience in managing litigation. Any “group” of movants must narrow its  
11 candidates to one or two single investors and file answers to the appended questionnaire by  
12 **WEDNESDAY, JUNE 25, 2008**, including the certification called for therein.

13 Each candidate must attend the hearing on July 2, 2008, and be prepared to answer  
14 questions. They should also be prepared to critique the methodology used by competing  
15 candidates. The Court would also appreciate defense counsel to attend the hearing on lead  
16 plaintiff selection. Defense counsel should be prepared to address the accuracy of the  
17 methodology used by candidates to assess their damage claims.

18 All questionnaires and other submissions shall be served both by facsimile and by mail  
19 on all counsel named on the Court’s appended service list. Counsel are responsible for  
20 contacting each other and obtaining the correct facsimile number. Applications for class  
21 counsel shall be deferred until after the lead plaintiff has been appointed.

22  
23 **IT IS SO ORDERED.**

24  
25 Dated: June 11, 2008.

26  
27 WILLIAM ALSUP  
28 UNITED STATES DISTRICT JUDGE